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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,678	06/25/2003	Michio Seki	04329.3081	1969

22852 7590 12/12/2006

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EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,678

Applicant(s)

SEKI ET AL.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :06/25/2003, 11/05/2003, 01/13/2005, 04/18/2005 .

DETAILED ACTION

1. Claims 1 – 13 are presented for examination.

Information Disclosure Statement

2. The information disclosure statement filed 06/25/2003, 11/05/2003, 01/13/2005 and 04/18/2005 includes documents that fail to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because no English translation. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Inoue et al. [US Patent No 6,844,807].

5. As per claim 1, Inoue discloses the invention as claimed including electronic apparatus [i.e. control terminal device or cell phone] [46, Figure 1; Abstract; and col 4, lines 24-29] which can communicate with a different electronic apparatus [i.e. the controlled device of home electronic system or VCR] [24A-28C, Figure 1; and col 4, lines 52-60], the electronic apparatus comprising:

an inquiring unit configured to inquire the different electronic apparatus about an operational status of the different electronic apparatus [i.e. retrieval condition transmitting unit for transmitting a retrieval condition for the controlled device and for obtain information on the desired controlled device] [Figure 11; col 1, lines 60-62; col 2, lines 8-14; and col 7, lines 48-56];

a receiving unit configured to receive the operational status of the different electronic apparatus from the different electronic apparatus [i.e. the home server creates an image of the current state information showing the state of the devices for transmitting to the cellular phone] [Figure 11; Abstract; and col 6, lines 57-62]; and

a display unit which can display the operational status of the different electronic apparatus received via the receiving unit [i.e. the current state information is displayed on the display of cellular phone] [col 6, lines 63-67; and col 9, lines 10-18].

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6. As per claim 2, Inoue discloses wherein the display unit can provide such a display as allows a user to determine whether the different electronic apparatus has a first operational status or a second operational status [i.e. displaying the current state such as ON or OFF] [Figures 7 and 11; col 6, lines 45-56; and col 7, lines 49-56].

7. As per claim 10, it is rejected for similar reasons as stated above in claim 1.

8. As per claim 11, it is rejected for similar reasons as stated above in claims 1 and 2.

Furthermore, Inoue discloses transmitting a command requesting that the different electronic apparatus be changed between a first operational status and a second operational status, to the different electronic apparatus [i.e. the user selects "ON" or "medium"] [Figures 8 and 12; col 7, lines 2-8; and col 8, lines 1-7].

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 3-8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. [US Patent No 6,844,807], in view of Hino et al. [US Patent Application No 2002/0069276].

11. As per claim 3, Inoue discloses a changing unit which can change the operational status of the different electronic apparatus between a first status and a second status [i.e. the user selects "ON" or "medium"] [Figures 8 and 12; col 7, lines 2-8; and col 8, lines 1-7]. Inoue does not specifically disclose the display unit can indicate that the different electronic apparatus has been changed between the first operational status and the second operational status when the operational status of the different electronic apparatus has been changed by the changing unit. Hino discloses the display unit can indicate that the different electronic apparatus has been changed between the first operational status and the second operational status when the operational status of the different electronic apparatus has been changed by the changing unit [i.e. screen before and after the state change] [Figure 18; and paragraphs 0143-0147]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Inoue and Hino because Hino's teaching before and after the state change screen would allow to display the newest state or most current state information to the user [Hino, Figure 18; and paragraphs 0142-0144].

12. As per claim 4, it is rejected for similar reasons as stated above in claims 1 and 3. Furthermore, Inoue discloses a control unit configured to change an operation of the second electronic apparatus on the basis of the request for a change in operation issued by the change

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requesting unit [i.e. turning on air conditioner or recording according to instruction] [col 7, lines 11-14; and col 8, lines 7-10 and lines 65-67]. Inoue does not specifically disclose a notifying unit configured to notify the first electronic apparatus that the operation has been changed when the operation of the second electronic apparatus has been changed by the control unit. Hino discloses a notifying unit configured to notify the first electronic apparatus that the operation has been changed when the operation of the second electronic apparatus has been changed by the control unit [i.e. state change notification] [Figure 18; and paragraphs 0143-0147]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Inoue and Hino because Hino's teaching of notification would allow to display the newest state or most current state information to the user [Hino, Figure 18; and paragraphs 0142-0144].

13. As per claim 5, Inoue discloses wherein the first electronic apparatus and the second electronic apparatus can wirelessly communicate with each other [i.e. remotely control the target device from various types of control terminal devices such as a cellular phone] [Figure 1; Abstract; and col 3, lines 1-3].

14. As per claim 6, Inoue discloses wherein the display unit of the first electronic apparatus can provide such a display as allows a user to determine whether the operation of the second electronic apparatus has a first status or a second status [i.e. "ON" and "OFF" icons] [Figures 7, 8, 12, 12 and 15; col 6, lines 52-56; col 7, lines 53-56; and col 8, lines 48-55].

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15. As per claim 7, Inoue discloses wherein the second electronic apparatus further comprises a video and sound processing section which processes video and sound signals [i.e. VCR, TV, audio system] [Figures 5, 6, 10; and col 6, lines 15-25]. Inoue does not specifically disclose the control unit can change an operation of the video and sound processing section between a first mode in which power supply to the video and sound processing section is stopped and a second mode in which the video and sound processing section receives power supply to operate, on the basis of the request for a change in operation issued by the change requesting unit, and the notifying unit notifies the first electronic apparatus that the operation of the video and sound processing section has been changed, when the operation of the video and sound processing section has been changed by the control unit. Hino discloses the control unit can change an operation of the video and sound processing section between a first mode in which power supply to the video and sound processing section is stopped and a second mode in which the video and sound processing section receives power supply to operate, on the basis of the request for a change in operation issued by the change requesting unit [i.e. stop and play buttons] [Figures 18 and 24; and paragraphs 0143-0146 and 0154-0156], and the notifying unit notifies the first electronic apparatus that the operation of the video and sound processing section has been changed, when the operation of the video and sound processing section has been changed by the control unit [i.e. blinking, highlighted display, changes in color, display by characters expressing the changes] [Figure 18; and paragraph 0146]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Inoue and Hino because Hino's teaching would allow to provide, with higher reliability and

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easier operations, a remote control system capable of controlling home appliances through a network connected to the home [Hino, paragraph 0014].

16. As per claim 8, it is rejected for similar reasons as stated above in claim 4. Furthermore, Inoue discloses a functional module having predetermined functions [i.e. a type, a power state and the other additional states of the device] [col 4, lines 65-col 5, lines 5].

17. As per claim 12, it is rejected for similar reasons as stated above in claims 4 and 11.

18. As per claim 13, it is rejected for similar reasons as stated above in claim 2.

19. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. [US Patent No 6,844,807], in view of Hino et al. [US Patent Application No 2002/0069276], and further in view of Staller [US Patent No 6,759,967].

20. As per claim 9, it is rejected for similar reasons as stated above in claim 7. Furthermore, Inoue and Hino do not specifically disclose the first status is a power-saving operational status with which power supply is limited. Staller discloses the first status is a power-saving operational status with which power supply is limited [i.e. low-power or sleep state] [col 4, lines 64-67]. It would have been obvious to a person skill in the art at the time the invention

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was made to combine the teaching of Inoue, Hino and Staller because Staller's teaching of low-power would allow to reduce power consumption and enhance power efficiency of the system.

21. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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A handwritten signature in black ink, appearing to read 'Dustin', with a long horizontal flourish extending to the right.